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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,460	08/29/2002	Johanna Pekonen	4925-221PUS	3049

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COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER	
NGUYEN, TU X	

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/088,460	PEKONEN ET AL.	
	Examiner	Art Unit	
	Tu X Nguyen	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 2/22/05 have been fully considered but they are not persuasive.

Applicants argue, "The Examiner refers to col. 2, lines 51-52 of Kalev as defining a reporting order. However, this section of Kalev states "an operating control center which defines a predetermined time period over which data defining said groups is collected, and which communicates with said at least one base station controller to instruct the collection of said data for said predetermined time period". This teaches only that the data is collected periodically. There is no disclosure, teaching or suggestion for defining a reporting order. Moreover since Kalev teaches that only the six best cells are reported, it is unknown beforehand which cells are to be reported and therefore there is no way to define a reporting order of the cells to be used as recited in independent claims 1, 20, 27, and 30". However, Kalev disclose "defines a predetermined time period...instruct the collection" corresponds to "defining a report". Kaley disclose data defining groups is collected, wherein Kaley defines groups as "the group consists of the serving cell and the identified set" (see col.1 lines 46-47) corresponds to "order of the cells".

Applicants argue, "The Examiner further states that col. 3, lines 31-44 of Kalev discloses reporting the cell measurement results in the defined reporting order. However, this section of Kalev merely discloses that the six best cells are reported. There is no disclosure in Kalev for reporting these cells in any specific order.

Accordingly, independent claims 1, 20, 27, and 30 are not anticipated by Kalev under 35 U.S.C. j102. ". However, Kaley disclose report the cell measurement (see col.1 lines 44-45) wherein the report the cell is in a predetermined time defined by an operating control center (see col.2 lines 51-52).

Applicants argue "Anderson fails to disclose what Kalev lacks. Anderson is merely used in the Office Action in combination with Kalev to disclose signal strength measurements by a mobile phone. Anderson does not teach or suggest generating a report message reporting all measurement results in the defined reporting order, ms expressly recited in each of independent claims 1, 20, 27, and 30. Accordingly, it is respectfully submitted that independent claims 1, 20, 27, and 30 are allowable over Kalev in view of Anderson". Kaley disclose measuring the cell; however Kaley fail to disclose a detail measuring signal, Anderson remedies the Kaley's deficiency feature to detail measuring a signal.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-17 and 30, are rejected under 35 U.S.C. 102(e) as being anticipated by Kalev (US Patent 6,308,071).

Regarding claim 1, Kalev discloses a method in a cellular communication system for reporting cell measurement results associated with cells of the system form a transceiver station via a radio interface between the transceiver station and a cell serving the transceiver station, comprising:

Defining a reporting order of the cells to be used by the transceiver station for reporting (see col.2 lines 51-55, "instruction" reads on "report order");

Performing cell measurements at the transceiver station for getting cell measurement results associated with at least some of the cells (see col.2 lines 12-14);

Selecting relevant cell measurement results from the performed cell measurements (see col.3 lines 29-31); and

Reporting the cell measurement results from the transceiver station in the defined reporting order (see col.3 lines 31-44).

Regarding claim 2, Kalev discloses the measurement results are reported by information symbol strings containing a plurality of information symbols (see col.6 line 65 through col.7 line 2), the method further comprising a step of including an indication symbol into the measurement report string for indicating whether the following predefined number of symbols in the string includes the cell measurement results of a subsequent cell in the reporting order of the cells or whether the subsequent cell will not be reported in the measurement report string (see col.6 line 49 through col.7 line 5).

Regarding claim 3, Kalev discloses the cell measurement indication symbol indicates that it will not be followed by symbols reporting the measurements results, the following symbol included in the measurement report string is a further indication

symbol designated for a cell following the subsequent cell in the reporting order of the cells (see col.7 lines 1-2).

Regarding claim 4, Kalev discloses receiving predefined information about the cells to the measured at the mobile station (see col.2 lines 41-44, "signal levels" reads on "predefined information"), and defining the reporting order based on said received information (see col.2 lines 51-55).

Regarding claims 5, Kalev discloses information comprises frequency of a broadcasting control channel and the identity of a transmitting base station of the cell to be measured (see col.5 lines 8-14 and col.6 lines 6-15).

Regarding claim 6, Kalev discloses at least part of the information is transmitted in a separate message via the broadcasting control channel (see col.6 lines 11-12)

Regarding claims 7, Kalev discloses a step of associating each of the reported measurement results with respective cells at a control node of the cellular communication system (see col.4 lines 48-64).

Regarding claim 8, Kalev discloses the reported cell measurement result for a cell comprises signal level of a radio signal received at the transceiver station (see col.4 lines 36-40).

Regarding claim 9, Kalev discloses the reporting order is defined and the cell measurements are performed at the transceiver station for cells other than the serving cell (see col.3 lines 30-31).

Regarding claim 10, Kalev discloses the reporting order is based on the information received from the serving cell (see col.4 lines 36-40).

Regarding claims 11 and 14, Kalev discloses wherein rules for defining the reporting order are stored at the transceiver station (see col.2 lines 3-7 and lines 51-55, "predetermined time period" reads on "rules").

Regarding claims 12 and 15, Kalev discloses everything as claim 11 above. More specifically, Kalev discloses "the radio interface" (see 10, fig.2, "TRX" reads on "radio interface").

Regarding claim 13, Kalev discloses a step of changing rules for defining the reporting order (see col.6 lines 36-41, "updated" reads on "changing rules").

Regarding claims 16-17, Kalev discloses a step of changing the rules for the selection of the relevant cells (see col.3 lines 29-40).

Regarding claim 30, Kalev discloses everything as claim 1 above. More specifically, Kaley discloses a network node (see 10, fig.2 and col.3 lines 25-26).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 18-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalev (US Patent 6,308,071) in view of Parkkila (US Patent 6,223,037).

Regarding claims 18-19, Kalev fails to disclose "reference values".

Parkkila discloses "reference values" (see col.3 lines 24-25). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kalev with the above teaching of Parkkila in order to provide the mobile station receives signals strength based on comparison with reference value in order to proceed to next step of operations.

5. Claims 20, 22-25 and 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaley in view of Anderson et al. (US Patent 5,594,949).

Regarding claims 20 and 27, Kalev discloses everything as claim 1 above. More specifically, Kalev discloses a transceiver station (see 10, fig.2 and col.3 lines 25-26); a cell serving the transceiver station via a radio interface (see cell A, fig.2 and col.3 lines 30-31); a plurality of further cells (see 7 cell A,B,C fig.2 and col.3 lines 30-31)

Kaely fails to disclose the transceiver station comprises control means for performing cell measurements.

Anderson discloses control means for performing cell measurements (see col.6 lines 3-16). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kaley with the above teaching of Anderson et al. in order to provide a controller to report signal strength information to a base station either periodically or upon request from the base station.

Regarding claim 22, the modified Kalev discloses the measurement results are reported by information symbol strings containing a plurality of information symbols (see Kaley col.6 line 65 through col.7 line 2), the method further comprising a step of

including an indication symbol into the measurement report string for indicating whether the following predefined number of symbols in the string includes the cell measurement results of a subsequent cell in the reporting order of the cells or whether the subsequent cell will not be reported in the measurement report string (see col.6 line 49 through col.7 line 5).

Regarding claim 23, the modified Kalev discloses the cell measurement indication symbol indicates that it will not be followed by symbols reporting the measurements results, the following symbol included in the measurement report string is a further indication symbol designated for a cell following the subsequent cell in the reporting order of the cells (see Kaley col.7 lines 1-2).

Regarding claim 24, the modified Kalev discloses receiving predefined information about the cells to the measured at the mobile station (see Kaley col.2 lines 41-44, "signal levels" reads on "predefined information"), and defining the reporting order based on said received information (see col.2 lines 51-55).

Regarding claim 25, the modified Kalev discloses information comprises frequency of a broadcasting control channel and the identity of a transmitting base station of the cell to be measured (see Kaley col.5 lines 8-14 and col.6 lines 6-15).

Regarding claim 26, the modified Kalev discloses a step of associating each of the reported measurement results with respective cells at a control node of the cellular communication system (see Kaley col.4 lines 48-64).

6. Claims 21 and 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaley in view of Anderson et al. and further in view of Parkkila.

Regarding claims 21 and 28, the combined Kalev and Anderson et al. fails to disclose "two different cellular network systems".

Parkkila discloses "two different cellular network systems" (see col.3 lines 4-5). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kalev and Anderson et al. with the above teaching of Parkkila in order to provide a broad search on channels or cells of other networks which are not included in maintaining the measurement link.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at 571-272-7882. The fax

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

June 2, 2005

NICK CORSARO
PRIMARY EXAMINER